



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,260	10/07/2002	Richard W. Duce	DP-301244	8074

7590 01/25/2005
Vincent A Cichosz
Delphi Technologies Inc
1450 West Long Lake Road
Troy, MI 48007-5052

EXAMINER

CYGAN, MICHAEL T

ART UNIT	PAPER NUMBER
----------	--------------

2855

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

10,089,260

APPLICATION NO/ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO. <i>A2</i>
--------------------------------	-------------	---	-------------------------------

EXAMINER

ART UNIT

PAPER

01212005


DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

This communication is in response to the "Order Returning Undocketed Appeal to Examiner" mailed 07 December 2004.

The single reference (6,315,880) submitted in the IDS filed 15 April 2004 is considered as noted on the attached IDS filed 15 April 2004. The reference is considered to be highly relevant to the claimed invention. The '880 reference was applied in anticipatory rejections on claims in applicant's 10/110,021 case, which has been linked as relevant to the instant case at applicant's specification, page 5 line 22 (as amended 21 November 2003), and at the IDS filed 22 December 2003, which references the office actions filed in the '021 case. While no rejections have yet been made based upon the '880 reference, since the claims are considered to be properly rejected under the presently applied references, no statement is made by the office on the patentability of the instant claims over the '880 reference. The current rejections, particularly in light of the reasoning of the Federal Circuit in *In re Miskinyar*, 28 U.S.P.Q.2D (BNA) 1789, appear to sufficiently reject the claims at hand.


MICHAEL CYGAN, PH.D.
PRIMARY EXAMINER